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March 23, 2023

MAGISTRATE JUDGE LEE G. DUNST  
United States District Court  
Eastern District of New York  
100 Federal Plaza,  
Central Islip, NY 11722  
**VIA ECF**

**Re: Blue Castle (Cayman) Ltd. v.  
Wickapogue 1, LLC, et. al  
2:22-cv-05422-GRB-LGD**

Dear Judge Dunst,

Our office represents the defendants, Wickapogue 1 LLC, Nicole Gallagher and Mark Gallagher in the above referenced action and represent the same parties as plaintiffs in civil action no 23-cv-05651 ('2023 action')

On 03/03/2023 there was an Order issued in the 2023 action, reassigning the case to Judge Gary R. Brown and Your Honor for all further proceedings. On 03/06/2023 this Court issued a Scheduling Order stating that all parties were to submit a proposed discovery plan/scheduling order at least five business days prior to the initial conference, which is going to be held on 3/29/23. There is an initial conference also scheduled for 3/29/23 in the 22-cv-05422 action ('2022 action').

Undersigned Counsel was therefore surprised to learn that the plaintiff, Blue Castle (Cayman) Ltd., filed a letter on 3/22/23 as well as a proposed discovery plan/scheduling order without discussing it with all the parties first, since Your Honor's Individual Practice Rule IV.A.1 clearly states that the parties should submit a *Joint* discovery plan/scheduling order.

Furthermore, defendants, Wickapogue 1 LLC, Nicole Gallagher and Mark Gallagher certainly do intend to engage in discovery and plaintiff's counsel was premature in filing their letter without consent of undersigned Counsel.

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The defendants do not consent to foregoing the initial conference scheduled for 3/29/23, wish to submit a joint discovery plan/scheduling order to the Court and finally do not consent to plaintiff's request to move for a motion for final judgment, which was not a proper request, in accordance with Your Honor's Individual Practice Rule VI.

I thank the Court for its consideration in this matter.

Sincerely,  
Gordon & Gordon, P.C.

/s/Peter S. Gordon, Esq  
Peter S. Gordon, Esq  
Attorney for Defendants  
*Wickapogue 1 LLC, Nicole Gallagher and  
Mark Gallagher*

Cc: All counsel via ECF